

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEREMIAH CROSS, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )              Case No. CIV-24-707-D  
                        )  
DAN JACABSMA et al., )  
                        )  
Defendants.          )

**ORDER**

Before the Court is United States Magistrate Judge Suzanne Mitchell's Report and Recommendation [Doc. No. 14] filed pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Upon initial screening of Plaintiff's Complaint [Doc. No. 1], Judge Mitchell recommends dismissal in its entirety without prejudice for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

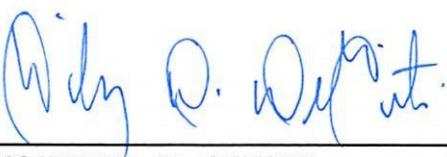
The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline for doing so, and the firm waiver rule. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See id.*; *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Further, for the reasons explained by Judge Mitchell, the Court finds that the Complaint fails to state a claim against Defendants, Dan Jacabsma (District Attorney) and the State of Oklahoma, in their individual and official capacities.

**IT IS THEREFORE ORDERED** that the Report and Recommendation [Doc. No. 14] is **ADOPTED** in its entirety. Plaintiff's action against Defendants in their individual and official capacities, is dismissed without prejudice. A separate Judgment shall be entered accordingly.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to Proceed in forma pauperis [Doc. No. 13] is **DISMISSED** as moot.

**IT IS SO ORDERED** this 22<sup>nd</sup> day of October, 2024.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge